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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,183	08/29/2005	Jeremy Bowman	09294-021US1	3481
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FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
HOOK, JAMES F				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
11/12/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/525,183

Applicant(s)

BOWMAN, JEREMY

Examiner

James F. Hook

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20 is/are pending in the application.
4a) Of the above claim(s) 17, 18 and 20 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvenkyla (GB'138 and GB'137). The references to Jarvenkyla disclose all of the recited structure with the exception of the specific amount of adhesion and thickness of the inner bonding layer, however, such are considered to be merely choices of mechanical expedients where one skilled in the art would only require routine experimentation to arrive at optimum values. It would have been obvious to modify the inner bonding layer of Jarvenkyla (GB 137 and GB 138) to be formed of any thickness and amount of bonding strength as such are merely choices of mechanical expedients where one skilled in the art would only require routine experimentation to arrive at optimum values to improve the adhesion and holding of the bonding layer to prevent failure of such.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvenkyla (GB'138 and GB'137) in view of Suzuki. The references to Jarvenkyla disclose all of the recited structure with the exception of using propylene that is a block copolymer and a random copolymer for the propylene used for the skin layer. The reference to Suzuki discloses that it is old and well known in the art to form propylene layers of a skin layer of a pipe of propylene that can be block copolymers and random copolymers thereby teaching a known equivalent material form of polypropylene known to be used for such coating systems. It would have been obvious to one skilled in the art to modify the skin layer of Jarvenkyla (GB 137 and GB 138) to be formed of any known equivalent form of polypropylene including block copolymers and random copolymers as such are known forms of polypropylene that are equivalent and used in coating skin systems as suggested by Suzuki where such are known equivalent materials used for the same type of layer in the art and would provide different amounts of adhering features to meet the needs of the user when the amount of adhering is important.

Response to Arguments

Applicant's arguments filed July 1, 2009 have been fully considered but they are not persuasive. The references to Jarvenkyla discloses that it is desired that nothing be left behind as the coating is removed from the ends to allow for a good seal between connectors attached to the ends of the pipe and in order for such to happen inherently the adhesive between layers has to be stronger than the adhesive between the coating

and the base pipe or else there would be the possibility of some of the layers still being attached to the pipe at the end when one tried to remove the coating from the ends which is not desired. Therefore, it is inherent that the references to Javenkyla are in fact teaching a difference in adhesion between the two different adhesive layers to meet the desired outcome of removing all of the layers when stripping the ends for applying connections to the pipe. The reference may not set forth exactly how much stronger the adhesive between layers should be than the adhesive attaching the coating to the base pipe, but such is merely a choice of mechanical expedients as set forth in the previous office action. Applicant argues that the prior art does not identify the parameter to be optimized but the reference inherently suggests the two have to be different or else the article would not function as designed and therefore the parameter is recognized to be of some importance to Javenkyla. The selection of a layer thickness is also considered to be an obvious choice of expedients where Javenkyla wishes that all of the adhesive be removed but does not state exactly how thick the layer actually is, however, it is considered one skilled in the art would only require routine skill in the art and experimentation to arrive at the optimum value of thickness required to insure the adhesive layer removed cleanly with the rest of the coating, and optimizing this thickness would only require routine skill in the art which relates as well to the actual adhesiveness in that it is desired to have the layer remove as cleanly as possible, and with only these two factors requiring optimization it is not considered difficult for one skilled in the art to experiment to arrive at these values. Also, applicant has not set forth or described how the specific amount of difference between adherence is critical to the

functioning of the invention, and therefore such is considered to be obvious to one skilled in the art such are choices of mechanical expedients. As argued by applicants such is merely chosen to insure the layers of the coating remain in tact and are effectively removed, however, Javenkyla discloses the same desire and therefore such appears to be a known desire to one skilled in the art and that any specific value is merely a optimization. With no specific argument or evidence provided toward criticality, the value is not considered as such, where one skilled in the art would only need common sense and routine experimentation to find an adequate relation between the adhesion values of the two different adhesives to insure the coating layers remain together and efficiently separate from the base pipe as desired as well by the Javenkyla references. There are no arguments provided that are directed to the rejection under Suzuki therefore such is still applicable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH